

REMARKS

Claims 1-3, 6-8, and 10-13 remain in the application with claims 1, 2, 3, 12 and 13 having been amended hereby. Claims 4 and 5 are canceled hereby and claim 9 has been previously canceled. Claims 1, 2, 12, and 13 are in independent form.

Reconsideration is respectfully requested of the objection to the Specification for allegedly failing to provide proper antecedent basis for the limitation "transmitting the initial value of the reserved delivery resource." Accordingly, the offending language has been removed from the claims as recommended by the Examiner.

Reconsideration is respectfully requested of the rejection of claims 1-8, and 10-13 under 35 U.S.C. 112, first paragraph, for allegedly failing to comply with the written description requirement for reciting subject matter in the claims that does not appear in the enabled original disclosure. Accordingly, offending language has been removed from the claims as recommended by the Examiner.

Reconsideration is respectfully requested of the rejection of claims 1-8 and 10-13 under 35 U.S.C. 112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention for reciting language that is allegedly unclear.

Accordingly, the offending language has been removed from the claims.

Reconsideration is respectfully requested of the rejection of claims 1-7 and 10-13 under 35 U.S.C. 103(a) as being unpalatable over Kusaba et al. (US 6,510,556) in view of Weber et al. (US 6,330,225).

Independent claim 1 relates to a managing apparatus for managing data necessary for delivering digital content. A reserving means reserves a delivery resource for the content. An assigning means adjusts a bandwidth and a transmission time necessary for delivering the content and for assigning the bandwidth and the transmission time to the reserved delivery resource. A storing means stores the bandwidth and the transmission time to the reserved delivery resource. A transmitting means transmits information of the content and the reserved delivery resource information that includes the bandwidth and the transmission time. A delivery resource is assigned corresponding to a convenience of a content provider.

Kusaba et al. relates to a video distributing apparatus for accepting a request of a viewer and automatically forming a distribution schedule of a video image. In a transmission medium of multiple channels of satellite broadcasting, CATV, or the like, Kusaba et al. relates to a video distributing apparatus suitable for use in a video distributing system in which a part

of the transmission medium is opened as a request channel for video distribution and is used.

Weber et al. relates to a communications system for providing service guarantees for data flows between an initiator component and a target component. For each data flow, a set of channels is selected to carry the data flow from initiator to target. The individual guarantees of the selected channels are aligned to be uniform in units and the individual guarantees are aggregated to provide an end-to-end service guarantee for a particular flow.

It is respectfully submitted that neither Kusaba et al. nor Weber et al., alone or in combination, teach or suggest that a delivery resource is assigned corresponding to a convenience of a content provider. The Examiner contends that this feature is taught in Kusaba et al. as shown in col. 4, line 57 - col. 5, line 22. However, the cited portion of Kusaba et al. states that it is "the viewer" who "inputs a time at which the start of the distribution is desired." The viewer is analogous to the receiving user of the present invention. In Kusaba et al., if the viewer desires a start time that cannot be provided by the transmitting station, for example due to the availability of delivery resources, then the viewer must select another time. In this way the delivery resources are negotiated between the user and the transmitting station. The content provider is not

involved. It should be noted that the content provider of the present invention is not analagous to the transmitting station of Kusaba et al. The transmitting station of Kusaba et al. is roughly analagous to the transmitting device of the present invention. In fact, the content provider is not illustrated in Fig. 2 of Kusaba et al. as it plays no role in the content distribution scheme of Kusaba et al. This stands in contrast to the instant invention where the delivery resource is assigned corresponding to a convenience of a content provider. Therefore, Kusaba et al. does not teach or suggest that a delivery resource is assigned corresponding to a convenience of a content provider.

As all claims of the Application, as amended hereby, include the limitation that a delivery resource is assigned corresponding to a convenience of a content provider, it is submitted that claims 1-3, 6-8, and 10-13 are patentable over the cited art for at least similar reasons.

Therefore, by reason of the amendments made to the claims hereby, as well as the above remarks, it is respectfully submitted that the managing apparatus and method, as taught by the present invention and as recited in the amended claims, is neither shown nor suggested in the cited references.

The references cited as of interest have been reviewed and are not seen to show or suggest the present invention as recited in the amended claims.

Entry of this amendment is earnestly solicited, and it is respectfully submitted that the amendments made to the claims hereby raise no new issues requiring further consideration and/or search, because all of the features of this invention have clearly been considered by the examiner in the prosecution of this application and because the present amendments serve only to further define and emphasize the novel features of this invention.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

COOPER & DUNHAM LLP

A handwritten signature in black ink, appearing to read "Jay H. Maioli". The signature is written in a cursive, flowing style.

Jay H. Maioli
Reg. No. 27, 213

JHM/JBG